

Introduction

On July 17, 2019, Lieutenant Bryan Schneider received a verbal complaint from [REDACTED], one of the Town's seasonal Community Service Officers ("CSO"), concerning alleged inappropriate conduct by Ernie Santos, a Town Public Works employee. Lieutenant Schneider alerted Todd Olson, Captain of the Town's Police Department, who alerted the Town. Given the nature of the allegations, the Town placed Santos on paid administrative leave to allow the Town time to investigate the allegations of [REDACTED]'s complaint. The Town retained Berchem Moses, PC to investigate [REDACTED]'s allegations.

[REDACTED]

Investigation

Interviews were conducted with [REDACTED] and Santos. In addition, Kevin Passay, a seasonal employee in Public Works, and Roderick Coleman, the Bridge Tender for the Mystic River Drawbridge, were interviewed as witnesses to the alleged conduct.

Documents were reviewed and analyzed including the relevant collective bargaining agreement, text messages, the Town's Employee Handbook and personnel records.

[REDACTED] works for the Town as a Community Service Officer ("CSO") and this is her first summer working in that position for the Town. [REDACTED] explained that given her assignments, prior to July 17th, she had run into Santos on approximately three or four other occasions. She stated that, prior to July 17th, Santos had not engaged in any conduct nor made any statements or comments to [REDACTED] that made her uncomfortable in any way. Additionally, [REDACTED] had no knowledge concerning any such misconduct or allegations by any other Town CSOs. [REDACTED] stated that she and Santos had previously had conversations typical of acquaintances and joked with each other on the occasions they ran into each other during her workday.

With regard to July 17th, [REDACTED] explained that she had been assigned to cover downtown Mystic. In this role, one of [REDACTED]'s responsibilities is traffic control when the Mystic River Drawbridge ("drawbridge") is raised. On the morning of July 17th, [REDACTED] assisted Santos, Passay and another Town public works employee with repositioning a public stone bench that had been moved as a result of a car accident the day prior. During this time, [REDACTED] engaged in conversation with Santos and Passay regarding having gone out with friends the night before to celebrate her friend's twenty-first birthday. [REDACTED] stated that she told Santos and Passay she had woken up in the middle of night and needed to take Advil, but was feeling well by the time she woke up in the morning.

Sometime after moving with the bench, Santos and Passay were collecting garbage from the public trash cans in Mystic River Bridge Park. [REDACTED] remained near the bench. Coleman walked by on his way to the bridge house for his shift and invited [REDACTED] to come tour the inside of the bridge house. [REDACTED] accepted the invitation and the two walked along the bridge toward the bridge house. [REDACTED] explained that as she and Coleman neared the door to the entrance of the bridge house, Santos called out asking to join them on the tour and shuffled quickly to their location. [REDACTED] recalls that Passay was no longer in

the Mystic River Bridge Park at that time and believes that he was on the S&P Oyster side of the road collecting garbage.

Once at the bridge house door, the three enter the building with Coleman going first, followed by [REDACTED] and then Santos. As they walked up the stairwell, Coleman was pointing out interesting things concerning the pictures hung on the walls of the stairwell. [REDACTED] stated that at the top of the stairwell, Coleman pointed out his refrigerator, microwave and Keurig machine, explaining those items help make the office area feel like home. She said that Coleman then pointed out the newer panel used to operate the drawbridge, which panel is along the wall of the building facing the drawbridge.

[REDACTED] explained that Coleman continued into the room and sat in his chair in front of the older, manual bridge operation panel. [REDACTED] explained that directly across from the older panel, and along the wall of the building facing up the Mystic River is a leather couch. As [REDACTED] moved further into the room, Santos was directly behind her and blurted out, "No [REDACTED], I'm not going to sit on that couch with you." [REDACTED] explained that this statement made her uncomfortable and caused her to reposition herself so that Coleman was in between her and Santos. In so doing, [REDACTED] sat in a chair in the corner of the room just past the couch. [REDACTED] explained that Coleman then suggested to Santos that he call and invite Passay to come tour the bridge house as well and Santos called Passay on his cell phone.

[REDACTED] stated that Coleman and Santos began talking and she sat in the chair looking at the window up the Mystic River toward Red 36. Passay entered the room and Coleman again explained the two control panels. [REDACTED] recalls talking to Coleman about his tracking the boats that go in and out of the seaport and about her having gone out the night before to celebrate her friend's twenty-first birthday. [REDACTED] stated that she told Coleman her boyfriend [REDACTED] was with her that night.

As the time neared 8:40 am, [REDACTED] stated to Coleman that it was about time for her to leave because she would need to direct traffic when he opens the bridge. [REDACTED] stated that Santos stated he and Passay should go as well. [REDACTED] explained that she rose from her chair and moved past Coleman. As she did so, [REDACTED] noticed the weather station on the shelf above the old bridge panel and motioned toward the station with hand to ask Coleman about the instrument. [REDACTED] stated that as she raised her hand, Santos grabbed it and raised it toward his mouth as if to kiss it. [REDACTED] explained that as her hand neared about two inches from his face, Santos said, "I can still smell alcohol." [REDACTED] pulled her hand back from Santos and Santos turned to leave the room toward the staircase. Santos then turned back around and asked [REDACTED], "Do you have a boyfriend?" [REDACTED] stated that she replied, "Yes" and Santos replied, "Oh never mind I won't ask." [REDACTED] stated that Santos then turned back around and left the room with Passay.

[REDACTED] stated that after Santos and Passay left the bridge house Coleman asked her if she was ok and that she should not let guys like Santos touch her if she didn't want them to. [REDACTED] explained that Coleman told her to let him know if Santos or anyone ever bothers her while she's on duty and he would come down and intervene. Coleman also offered to [REDACTED] that she was always welcome to come up in the bridge house if someone was bothering her or to just cool off and have some water.

[REDACTED] explained that after leaving the bridge house, she texted the other Stonington CSOs regarding her incident with Santos and warning them to be careful of him.

When asked whether or not Santos may have simply been reaching out to [REDACTED]'s hand to shake it as he left the room, [REDACTED] stated no and that it was clear he was motioning to kiss her hand. [REDACTED] stated that she did not see Santos shake Coleman's hand before he left the room. [REDACTED] also stated that were she to encounter Santos during her workday in the future and she was not near the bridge house, she intends to go into the most nearby store to avoid him.

Ernie Santos

Santos is an employee in the Town's Public Works department. Santos was suspended without pay for three days in 2011 for violating the Town's Workplace Violence Policy. Santos has not previously been disciplined for conduct violating the Town's Anti-Harassment Policy.

On July 17th, Santos was assigned to collect garbage in downtown Mystic with Passay. Santos stated that he was collecting the garbage in Mystic River Bridge Park when Coleman invited him to tour the drawbridge building. Santos accepted the invitation. Santos explained that Coleman had also invited [REDACTED], one of the Town's CSOs for the tour. Santos stated that he knew [REDACTED] from her work as a CSO and that they had conversations on other occasions when he would see her working.

Santos stated that as they entered the building, Coleman entered first, and then [REDACTED] and Santos followed behind [REDACTED]. Santos explained that Coleman was telling him and [REDACTED] about the pictures on the walls and the operation panels. Santos stated that shortly after they reached the top of the stairwell and entered the room, Coleman suggested that Santos see if Passay wanted to join them in the bridge house. Santos recalls yelling to Passay out of one of the windows along the bridge side of the building telling him to move the truck they were using and come up inside the bridge house.

Santos recalls that Passay entered the room and Santos, Passay and Coleman joked about how nice Coleman's set up was and that Coleman must have made a supervisor happy at some point. Santos stated that [REDACTED] related to the group that she had been out the night before drinking and that she did not feel well. Santos explained that he asked [REDACTED] whether or not she had a boyfriend in the context of her detailing her previous night's activities. Santos stated that when [REDACTED] replied in the positive he said something like, "Lucky him."

Santos stated that shortly after Passay come into the room, Santos decided it was time for them to leave. Santos explained that as he left, Santos shook Coleman's hand and then reached out his hand and shook [REDACTED]'s hand. Santos does not think he made a motion as though he was going to kiss [REDACTED]'s hand. Santos does not recall [REDACTED] pulling her hand away from him.

When asked whether or not he made any comment to [REDACTED] concerning sitting the couch with him, Santos stated that he did not sit on the couch nor did he make any such statement. Santos stated that he never sensed that [REDACTED] was uncomfortable while they were up in the bridge house nor did Santos notice any reaction from Coleman at any time.

Santos stated that neither he nor Passay were on a work break during the time they were in the bridge house room.

Kevin Passay

Passay works as a seasonal employee in the Town's Public Works department. On the July 17th, Passay was assigned to work with Santos collecting garbage at Stonington high school and in downtown Mystic in the morning. Passay explained that after he and Santos collected the garbage from the trash cans in Mystic River Bridge Park, Passay crossed the road to collect garbage on the S&P Oyster side of the road. Passay recalls seeing Coleman walk by as Passay was crossing the road. Passay stated that at some point thereafter Santos called him on his cell phone and told him to move the truck and come up into the bridge house for a tour. Passay does not know when or how Santos came to be in the bridge house.

Passay explained that after he moved the truck, he went into the bridge house and up the stairwell. He stated that Santos was in the room along with Coleman and [REDACTED]. Passay stated that he had known [REDACTED] from having seen her working as a CSO in Town. Passay stated that as he walked in, [REDACTED] was

talking about having gone out the night before to celebrate her 21st birthday. Passay stated that Santos asked [REDACTED] if she had gone out with her boyfriend and [REDACTED] replied yes. Passay does not recall if Santos said anything in response to [REDACTED]'s answer.

Passay stated that he was only up on the bridge house for about four or five minutes. Passay stated that he does not recall if Santos had any physical interaction with [REDACTED] and that he did not see Santos shake Coleman's hand or [REDACTED]'s hand at any time.

Passay stated that he never sensed that [REDACTED] was uncomfortable while they were up in the bridge house nor did Passay notice any reaction from Coleman at any time.

Roderick Coleman

Coleman is an employee of the State of Connecticut and has been a bridge tender for the Mystic River Drawbridge for over thirty years. Coleman explained that every summer he invites the Stonington CSOs to come up and see inside the bridge house. Coleman stated that he invites them to come up any time they need to for a bottle of water or to cool off on hot days.

Coleman stated that as he was walking to the bridge house on the morning of July 17th he saw [REDACTED] and asked her if she wanted to come up and see the bridge house because he had not yet had the chance to show it to her. He stated that she accepted the invitation and they walked to the bridge house. Coleman stated that as they neared the door he could hear Santos yelling, "What about me?!" and coming across the bridge. Coleman replied back, "Fine but hurry up."

Coleman explained that as they climbed the staircase he was explaining the pictures on the walls and, once at the top, he pointed out some of the things he has in the office. Coleman said he explained the newer, computerized panel for the bridge operations as they continued into the room. Coleman said that he then sat in his chair in front of the older, manual bridge panel. He said that [REDACTED] walked near the couch and Santos, out of no where, said, "No [REDACTED], I'm not going to sit on the couch with you." Coleman said Santos' statement was odd and he could tell that it made [REDACTED] uncomfortable as he noticed [REDACTED] moved to a chair in the corner past the couch. Coleman explained that, given [REDACTED]'s reaction and Santos' conduct, Coleman wanted more witnesses in the room with them and he suggested to Santos that he ask Passay to come up and join them for the tour.

Coleman recalled talking with [REDACTED] while they were up in the bridge house about [REDACTED] having gone out the night before to celebrate her friend's 21st birthday and that she was a little tired as a result.

Coleman said Passay then came up and they talked a little longer. Coleman explained that as it grew nearer to 40 minutes after the hour, [REDACTED] said she needed to leave and Santos said they needed to leave as well. Coleman said that as [REDACTED] stood up from her chair, she pointed to his weather station and Santos grabbed her hand, brought it very close to his mouth and motioned to kiss it. Coleman recalls hearing a Santos make a kissing sound, though Coleman said Santos did not make contact with [REDACTED]'s hand and his lips. Coleman recalled that Santos then asked [REDACTED] if she had a boyfriend and [REDACTED] replied in the affirmative. Coleman said that Santos then said "Oh, never mind."

Coleman recalls Santos having made a comment about smelling alcohol on [REDACTED], but does not specifically recall at what time that statement was made. Coleman stated that Santos did not shake his hand when Santos left the room. Coleman also explained that Santos was not attempting to shake [REDACTED]'s hand when he grabbed it. Coleman stated that after Santos and Passay left, he spoke with [REDACTED] to make sure she was ok. Coleman offered to intervene any time someone made [REDACTED] uncomfortable and that [REDACTED] should stand up for herself and tell the person to stop if she did not want to be touched.

Documentary Evidence

A screen shot of text messages between [REDACTED] and two other Town CSOs corroborates [REDACTED] discomfort with Santos conduct of July 17th. In her text [REDACTED] writes:

Idk if you guys met ernie the trash guy yet but don't tell him anything personal and try not to be too friendly with him. He became very inappropriate with me this morning and he crossed a couple lines he shouldn't have. Just letting you know. Be safe around him

In addition to the above detailed interviews, a statement given by [REDACTED] to the Town police and a write up of an interview by the Town police with Coleman were reviewed. Both documents contain information consistent with that provided by [REDACTED] and Coleman during their interviews for this investigation.

Conclusions

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Attorney Client Privileged